

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

September 13, 2021

Chief Judge Diane S. Sykes

Nos. 07-21-90060 & 07-21-90061

IN RE COMPLAINTS AGAINST TWO JUDGES

MEMORANDUM AND ORDER

The complainant filed misconduct complaints against two judges who presided over her civil case. She challenges the decision to transfer her case from one district to another. She accuses the judges of “biasness,” but she provides no particulars. Any allegation of bias must be supported by sufficient facts to raise an inference that misconduct has occurred; it cannot be based on mere speculation. 28 U.S.C. § 352(b)(1)(A)(iii). What’s left is a direct challenge to the merits of the transfer decision, which is not a proper basis for a misconduct complaint. *Id.* § 352(b)(1)(A)(ii); RULES FOR JUD.-MISCONDUCT & JUD.-DISABILITY PROC. 4(b).

For the foregoing reasons, the complaints are dismissed pursuant to § 352(b)(1)(A)(ii) and (iii).

The complainant filed six misconduct complaints against four judges in less than two weeks. All have been dismissed as frivolous, merits related, and/or not in conformity with the requirements of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A); *see* Nos. 7-21-90054, -90055, -90058 & -90059. The complainant’s misuse of the complaint process is not new: In 2018 she filed a cluster of misconduct complaints against six judges; those too were dismissed as frivolous, merits related, and/or not in conformity with the requirements of the Act. *See* Nos. 07-18-90073, -90074, -90076, -90077 & -90078.

Repetitive filing of noncognizable misconduct complaints is an abuse of the Act. Rule 10(a) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings* empowers the Judicial Council to prohibit, restrict, or impose conditions on an abusive complainant’s use of the complaint procedure. The Council has previously determined that abusive complainants should be required to post a \$1,000 deposit with any misconduct complaint. *See* No. 07-7-352-20 (issued July 9, 2007). The requirement is neither a fine nor a filing fee. Rather,

it is a deposit and is refundable if the misconduct complaint has any arguable merit but forfeited if the complaint is dismissed on initial review under § 352(b)(1)(A).

Accordingly, the complainant is ordered to show cause why the Judicial Council should not require her to post a \$1,000 deposit with any future misconduct complaint. RULES FOR JUD.-MISCONDUCT & JUD.-DISABILITY PROC. 10(a). Her response is due within 14 days of the date of this order.

The complainant may petition the Judicial Council of the Seventh Circuit for review of this order in accordance with Rule 18(b) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. 28 U.S.C. § 352(c); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(g)(3). A petition for review must be filed in the clerk's office of the United States Court of Appeals for the Seventh Circuit not later than 42 days of the date of this order.